

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

EDWARD RANDOLPH DAYTON,
Plaintiff,
v.
CITY OF FAIRFIELD, et al.,
Defendants.

Case Nos. 2:23-cv-02362-CSK
2:24-cv-01170-CSK
CONSOLIDATION ORDER
(ECF No. 24 in No. 2:23-cv-02362-CSK)

Pending before the Court is a motion to consolidate *Edward Randolph Dayton v. City of Fairfield, et al.*, No. 2:23-cv-02362-CSK (“*Dayton I*”) and *Edward Randolph Dayton v. City of Fairfield, et al.*, No. 2:24-cv-01170-CSK (“*Dayton II*”) filed by Defendants City of Fairfield, Nathan Strickland, Frank Piro, Richard Mroz, Robert Ramirez-Kirgan, Jimmie Williams, and Dan Marshall.¹ (ECF No. 24 in No. 2:23-cv-02362-CSK.) Though Plaintiff was provided with multiple opportunities to respond to the motion to consolidate, Plaintiff has not filed an opposition or otherwise responded to the motion. See *Dayton I* Docket; *Dayton I*, 1/28/2025 Minute Order (ECF No. 25); *Dayton I*, 2/18/2025 Minute Order (ECF No. 27). Pursuant to Local Rule 230(g), the hearing was vacated and the motion was submitted upon the record. (*Dayton I*, ECF No. 27.)

¹ Both actions proceed before the undersigned pursuant to 28 U.S.C. § 636(c) on the consent of all parties.

1 **I. DISCUSSION**

2 Defendants move to consolidate *Dayton I* and *Dayton II* because the actions
3 share similar factual issues arising out of the City of Fairfield's alleged removal of
4 Plaintiff's mobile home, trailer, and belongings; common issues of law with similar or
5 identical causes of action against the City of Fairfield and almost all the same individual
6 City of Fairfield law enforcement personnel; and consolidation would conserve judicial
7 resources and would not prejudice Plaintiff. See Defs. Mot. Pursuant to Local Rule
8 230(c), Plaintiff's failure to file a timely opposition is construed as a non-opposition to
9 Defendants' motion to consolidate.

10 Where actions in the same district "involve a common question of law or fact,"
11 Federal Rule of Civil Procedure 42(a) allows a district court to: "(1) join for hearing or trial
12 any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any
13 other orders to avoid unnecessary cost or delay." Fed. R. Civ. P. 42(a). "The district
14 court has broad discretion under this rule to consolidate cases pending in the same
15 district." *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777,
16 777 (9th Cir. 1989). The district court also has "inherent power to control their dockets."
17 See *United States v. W.R. Grace*, 526 F.3d 499, 509 (9th Cir. 2008).

18 The Court grants Defendants' unopposed motion to consolidate the *Dayton I* and
19 *Dayton II* actions for all purposes, including trial. The *Dayton I* and *Dayton II* actions
20 meet the standard of Rule 42(a) where both actions involve several common questions
21 of law and fact, including similar claims based on similar facts brought by the same
22 plaintiff against almost all the same defendants—the City of Fairfield and individual City
23 of Fairfield law enforcement personnel. See Fed. R. Civ. P. 42(a); *Howse v. Chiquita*
24 *Canyon, LLC*, --- F. Supp. 3d. ----, 2024 WL 4828705, at *9 (C.D. Cal. Nov. 19, 2024).
25 The Court further finds that consolidation will conserve limited judicial resources and the
26 resources of all parties. Plaintiff filed the two actions just 4.5 months apart.

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1 The *Dayton II* Pretrial Scheduling Order will govern this consolidated action.
 2 (*Dayton II*, ECF No. 14.) The schedule summary is provided again here:²
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Event	Deadline
Joint Mid-Discovery Statement	June 5, 2025
Non-Expert Discovery Completion	October 17, 2025
Initial Expert Disclosures	December 16, 2025
Rebuttal Expert Disclosures	January 15, 2026
Expert Discovery Completion	February 17, 2026
Dispositive Motions Filed By	April 20, 2026
Dispositive Motions Heard By	June 16, 2026
Joint Pretrial Statement Filed By	21 days before the FPTC
Motions In Limine Filed By	14 days before the FPTC
Final Pretrial Conference (“FPTC”) and Motions In Limine Hearing	September 15, 2026
Jury Trial (1-2 days)	October 19-20, 2026

16 The Court notes that the pleadings are closed and there is no need for a
 17 consolidated master complaint. In addition, no such request has been made.
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II. CONCLUSION

19 In conclusion, IT IS HEREBY ORDERED that:

- 20 1. Defendants' unopposed motion to consolidate (*Dayton v. City of Fairfield, et al.*, No. 2:23-cv-02362-CSK, ECF No. 24) is GRANTED;
- 21 2. The *Dayton v. City of Fairfield, et al.*, No. 2:23-cv-02362-CSK, and *Dayton v. City of Fairfield, et al.*, No. 2:24-cv-01170-CSK, actions are consolidated for all purposes, including trial;
- 22 3. *Dayton v. City of Fairfield, et al.*, No. 2:24-cv-01170-CSK, will be the lead

23 ² Because the deadline for exchanging Initial Disclosures has already passed, this
 24 deadline is not included in this schedule summary. (See *Dayton II*, ECF No. 14.)
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1 case. The parties are directed to file all future pleadings in the lead case only.

2 4. The Clerk is directed to file a copy of the First Amended Complaint (ECF
3 No. 4), Answer (ECF No. 11), assignment orders (ECF Nos. 14 and 19), and motion to
4 consolidate documents (ECF Nos. 24-27) from member case, *Dayton v. City of Fairfield*,
5 *et al.*, No. 2:23-cv-02362-CSK, in lead case *Dayton v. City of Fairfield, et al.*, No. 2:24-
6 cv-01170-CSK.

7 5. The Clerk is directed to administratively close member case, *Dayton v. City*
8 *of Fairfield, et al.*, No. 2:23-cv-02362-CSK; and

9 6. The November 25, 2024 Pretrial Scheduling Order (ECF No. 14) in lead
10 case *Dayton v. City of Fairfield, et al.*, No. 2:24-cv-01170-CSK, will govern this
11 consolidated action.

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13 Dated: March 24, 2025


14 CHI SOO KIM
15 UNITED STATES MAGISTRATE JUDGE

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